IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2949 OF 2005
WITH
CRIMINAL APPLICATION NO.2950 OF 2005
WITH
CRIMINAL APPLICATION NO.2951 OF 2005

Rajesh Naggi Nisar ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.M.K.Kocharekar Advocate for Applicant
Ms.S.V.Gajare A.P.P. for the State
Mr.S.V.Marwadi for Respondent no.2

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 11, 2005

P.C.

1. Heard the learned advocate for the applicant, learned advocate for the respondent no.2-complainant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai in C.C.Nos.2550/S/2003,

2532/S/2003 and 2531/S/2003. In the said cases, process was issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, stay granted by this Court is extended for a period of five weeks from today.

. The learned advocate for the respondent no.2-complainant fairly states that no objection will be raised in respect of delay in filing the revision. However, the learned advocate for the respondent no.2-complainant states that four days advance notice of filing revision may be given to the complainant. Accordingly, the learned advocate for the applicant to give four days advance notice of filing the revision to the complainant.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]